

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

SEBERT J. MAXWELL, III,

Movant,

v.

Civil Action No. 2:16-cv-04906  
(Criminal No. 2:07-cr-00228-1)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending before the court is movant's pro se motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (ECF No. 54), filed on May 31, 2016.

This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to the court of his Proposed Findings and Recommendation ("PF&R") for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B).

On June 19, 2018, Magistrate Judge Tinsley entered his PF&R recommending that the Section 2255 motion be denied as an unauthorized second or successive motion and for failure to

state a claim and that this action be dismissed from the docket of the court.

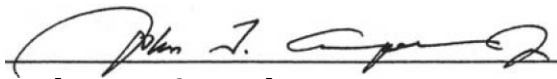
Because neither party has filed objections, de novo review of the matter by this court has been waived.

After due and proper consideration of the issues raised, it is, accordingly, ORDERED as follows:

1. That the findings in Magistrate Judge Tinsley's Proposed Findings and Recommendation be, and they hereby are, adopted and incorporated in full.
2. That movant's motion under 28 U.S.C. § 2255 be denied as a second or successive motion and for failure to state a claim.
3. That this action be dismissed and removed from the docket of the court.

The Clerk is directed to forward copies of this memorandum opinion and order to the movant, all counsel of record, and United States Magistrate Judge Dwane L. Tinsley.

DATED: July 25, 2018

  
John T. Copenhaver, Jr.  
United States District Judge